



Docket No.: 214089US0CONT

**MAIL STOP ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VIRGINIA 22313**

RE: Application Serial No.: 09/972,887

Applicants: Yoshinao NAGASHIMA, et al.

Filing Date: October 10, 2001

ALLOWED: FEBRUARY 27, 2006

For: AUTONOMIC NERVE REGULATING AGENT

Group Art Unit: 1617

Examiner: KIM, Jennifer M.

RECEIVED

JUN 06 2006

OFFICE OF PETITIONS

SIR:

Attached hereto for filing are the following papers:

PETITION TO WITHDRAW FROM ISSUE Under 37 CFR §1.313(c)(2)
with COPIES OF CONCURRENTLY FILED:

Request for Continued Examination (RCE) Transmittal;

Information Disclosure Statement;

Japanese May 16, 2006 Office Action ("Notification of Research for Refusal") - in corresponding
Japanese Patent Appln. No. 2001-557546; PTO-1449 (1p.); and Cited References (8)

Our credit card payment form in the amount of \$130.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

BEST AVAILABLE COPY

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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Docket No.: 214089US0CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Yoshinao NAGASHIMA, et al.

: GROUP ART UNIT: 1617

SERIAL NO: 09/972,887

: EXAMINER: KIM, Jennifer M.

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PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR §1.313(c)(2)

MAIL STOP ISSUE FEE

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

SIR:

Further to the Issue Fee paid on April 28, 2006, Petitioners respectfully request the Office to Withdraw the present allowed application from Issue under the provisions granted Petitioners by 37 CFR §1.313.

37 CFR §1.313(c) states:

“Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:(2) Consideration of request for continued examination in compliance with §1.114;”

Concurrent with the present Petition, Applicants have filed a Request for Continued Examination in compliance with §1.114. A copy of the request for continued examination is attached for the convenience of the Petition’s Office.

If prosecution of an application is closed and a Petition under 37 CFR §1.313 is granted, an applicant may request continued examination under 37 CFR §1.114 by filing a submission and a fee. Petitioners respectfully filed the appropriate fee set forth in 37 CFR §1.17(e)

Application Serial No. 09/972,887
Petition To Withdraw From Issue Under 37 CFR §1.313(c)(2)

required by 37 CFR §1.114. Further, Petitioners respectfully filed an appropriate submission under 37 CFR §1.114(c).

37 CFR §1.114(c) states:

"A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability"

Petitioners have timely filed with the Request for Continued Examination, an Information Disclosure Statement; the Japanese Office Action issued on May 16, 2006 in the corresponding Japanese application; and, the references cited therein, which qualify as an appropriate submission as set forth in 37 CFR §1.114(c). A copy of the Information Disclosure Statement is enclosed for the convenience of the Petition's Office. Accordingly, Petitioners have timely filed a Request for Continued Examination in compliance with §1.114 as set forth above. In accordance with 37 C.F.R. § 1.17(h) the required fee for filing this 37 C.F.R. § 1.313 Petition is included herewith and, as such, Applicants have fulfilled the requirements for filing a Petition under 37 CFR §1.313.

It is requested that the Petition be GRANTED and the references cited on the concurrently filed Information Disclosure Statement be considered. Confirmation of the timely granting of this Petition is requested by facsimile to the undersigned at (703) 413-2220.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
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